

REMARKS

In response to the Official Action of January 23, 2009, no claims have been amended.

Claim Rejections- 35 U.S.C. 103

At section 4 of the Office Action claims 1-8, 10-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (U.S. 2002/0116268) in view of Kovesdi et al. (U.S. 2003/0155413) (hereinafter Kovesdi).

With respect to claim 8, it is asserted that Fukuda discloses an apparatus comprising a tag reader configured to emit an interrogating radio signal in order to stimulate a radio frequency identification transponder tag to emit a response signal, which includes tag information, associated with a object, the tag reader further configured to receive such a response signal, and a processor configured to initiate the transmission of a message based upon tag information; wherein the processor is further configured to provide the tag information received from the radio frequency identification transponder into a message generated in the apparatus. Reference is made to Figure 2 and paragraphs [0038]-[0050] and [0107]-[0112]. It is stated that Fukuda does not explicitly disclose the tag information being associated with a multimedia object or that the transmitted message is a multimedia message. However, it is asserted that Kovesdi teaches associated media content to readable object identifiers such as RFID tags, with reference to the abstract and paragraphs [0035]-[0036], [0039] and [0068]-[0069]. Therefore, it is asserted it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Kovesdi's method of binding associated media to an object identifier in Fukuda's system, motivated by the desire to provide seamless mobile browsing by bridging different services in different domains. Applicant respectfully disagrees.

Fukuda is directed to an information providing system allowing the user to easily acquire information on an object such as a general-purpose product or relating to an advertisement over a network without having to write the network address (Fukuda, Abstract). In the invention, an RF-ID tag storing the mail address of the

advertisement sponsor and the URL of the server providing the information are attached to an advertisement, and an RF-ID is installed in a PDA, which a user desiring to obtain the information over the Internet can use to receive the information from the RF-ID tag and access the internet (Fukuda, Abstract).

It is asserted by the Office that Fukuda discloses a tag reader configured to receive a response signal which includes tag information associated with an object. However, it is not clear what "object" is being associated with the tag information in Fukuda. The RFID-reader "reads out (scans) the information (URL, detailed advertisement information and advertisement identification number) stored in the tag 21 attached to the advertisement 11" (Fukuda, paragraph [0038]). Although this information is received by the reader, it is not all incorporated into a message. The URL or mail address of the advertising sponsor which is received by the reader is stored in an address list so that "[t]he user can then select the mail address of the advertising sponsor from the address list when desiring to send mail such as inquiries to the advertising sponsor." Thus, what is sent subsequent to reading an RFID tag in Fukuda is an email to an address read from the RFID. Fukuda does not disclose associating the mail address with any object that is incorporated into the message as well. Thus, contrary to the present invention, the mail is not provided with tag information or an associated object.

In addition, the "electronic mail" used in Fukuda is distinguishable from the type of messaging used in the claims. Claim 8 recites that the tag information is included in a "multimedia message." The commonly understood definition of a multimedia message, which is also stated in the application as filed, "refers to an enhanced type of message transmitted to or from a mobile phone...[which] enables also multimedia objects such as graphics, images, video clips and/or sound clips to be transmitted" (Application as filed, page 4, line 34-37). This form of messaging can be contrasted with short message service, which is "a text message service allowing the transmission of short text messages" (Application as filed, page 4, lines 29-30). These types of messaging are clearly distinct from the electronic mail sent to an "Internet mail

address of the advertising sponsor,” which is obtained by an RFID scan in Fukuda (Fukuda, paragraph [107]).

Kovesdi discloses that media content can be bound to an object identifier (Kovesdi, paragraph [0036]). In an “authoring mode,” labels representing objects, locations, temporal events or text strings are identified and translated into object identifiers which are then bound to media content that the author records for that object identifier (Kovesdi, paragraph [0017]). Once an object identifier is identified within a database, media content can be mapped to the object identifier (Kovesdi, paragraph [0069]). However, Kovesdi is silent regarding how to incorporate tag information associated with a multimedia object into a multimedia message after receiving a response signal comprising tag information associated with a multimedia object.

Furthermore, it would not have been obvious to a person having ordinary skill in the art at the time the invention was made to combine the two references in order to arrive at the claimed invention. Although both references mention an RFID reader, they are directed to different purposes, such that one having ordinary skill in the art would not have combined the two. Fukuda is directed to associating advertising and company information with an identifier, such that a consumer can obtain the electronic mail address and contact the advertiser, while Kovesdi is directed to recording and binding multimedia content to an object identifier “for providing information to users about a physical world, and to allow users to record their own impressions of the physical world” (Kovesdi, paragraph [0036]). If the RFID reader in Fukuda is used for obtaining a URL or mail address for an advertiser so that a consumer can access a website or contact the company, then there is no reason to combine the tag information with multimedia content, as all the user needs is the URL or mail address to achieve these purposes. In addition, there is nothing disclosed in Fukuda which would suggest adding multimedia content to the electronic mail sent to the advertiser or why a the sender would include such content.

The Office further states that the motivation for combining the references would be “the desire to provide seamless mobile browsing by bridging different services in different domains.” Applicant notes however that this motivation would not lead a

person having ordinary skill in the art to combine the references and arrive at the present invention, as the invention does not relate to mobile browsing, but to mobile messaging. The references would not lead one of ordinary skill in the art at the time of the invention to the invention of claim 8, as it clearly is related to mobile messaging, which is not discussed in either reference.

Therefore, for the foregoing reasons, it is respectfully submitted that claim 8 is not obvious in view of Fukuda in view of Kovesdi and is in allowable form.

Because claims 1, 11-12 and 14-16 are rejected for the same reasons as claim 8, it is respectfully submitted that these claims are also not obvious in view of Fukuda and Kovesdi.

At least in view of their dependency on the independent claims, it is respectfully submitted that dependent claims 2-10 and 13 are also in allowable form.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Request for Reconsideration. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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